

BERNESLAI HOMES POLICIES & PLANS



Your Comments Count

GREAT PLACE, GREAT PEOPLE, GREAT COMPANY

Document Control

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1. Purpose of the procedure

Berneslai Homes is committed to providing an excellent service to all our customers. We have a Customer Excellence Strategy and published Service Standards, which set out what customers can expect from our service. Customer perception and experience of the services we deliver are the best source of feedback to shape future service improvement. There are also occasions when, for various reasons, someone may be dissatisfied with the level or standard of service that they have received. The purpose of this procedure is to ensure that there is an established and effective way in which compliments, complaints or suggestions are dealt with positively and consistently.

2. Standards and principles

2.1 Your comments count service standards

- The resident does not have to use the word 'complaint' for it to be treated as such.
- All officers handling complaints are trained effectively and have the appropriate skills to investigate complaints fairly, objectively and with no conflicts of interest.
- The resident and any staff member who is the subject of the complaint, if applicable, must also be given a fair chance to set out their position, comment on any adverse findings before a final decision is made.
- The complainant is kept informed throughout the investigation.
- We acknowledge complaints within 2 working days.
- The investigating officer visits the complainant wherever possible, if not they must speak to the resident to discuss the complaint in full and establish the outcome/s they are seeking.
- The investigating officer must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.
- We respond to formal complaints in writing giving a full explanation for our decision in plain English via the customer's preferred method of contact.
- Stage 1 complaints must be responded to by the manager within 10 working days of date of acknowledgement (or by a mutually agreed timescale with the customer if longer is required due to the nature of the complaint). We must send the customer a holding letter to advise why there is a delay. In the holding letter we give a realistic date that we aim to respond by.
- Stage 2 complaints must be responded to by the relevant Executive Director within 20 working days of date of acknowledgement. If this cannot be achieved due to the nature of the complaint, we will mutually agree a timescale with the customer and issue a holding letter.
- The tone and style of our response will be respectful.
- All complaints are reviewed when closed to ensure any service improvements are identified and actioned.
- Service Improvement meetings are held to ensure learning points are shared.
- Compliments and suggestions are recorded, reported and a snapshot of them publicised on the website, and in staff and customer newsletters.

2.2 Key principles of the procedure

The underlying principle of this procedure is to ensure that all Berneslai Homes' current and potential customers who wish to make a compliment, complaint or suggestion are dealt with fairly and consistently.

So that we can achieve this, the following key principles are incorporated into this procedure:

- Compliments, complaints, and suggestions are welcomed positively.

Our procedure is accessible to all.

All employees are aware of this procedure and are able to give information and assistance about how to make a compliment, complaint, or suggestion.

Berneslai Homes promote access to the procedure through various channels including campaigns on our website and social media, information in customer publications and posters in public buildings

- Any employee receiving a compliment, complaint or suggestion takes responsibility for ensuring that the procedure is initiated.

2.3 Complaints - key principles

We will give the customer a full opportunity to state their concerns and express what outcome/remedy they expect. We will ensure the customer knows our process, who will be responsible for investigating their complaint and when to expect a response.

Berneslai Homes must ensure that all staff who have contact with the public are trained to handle complaints in a helpful and constructive manner.

Officers responsible for complaint investigation will be capable of investigating complaints fairly and objectively.

If the complaint cannot be resolved in the first instance, or if the customer remains dissatisfied, they must be made fully aware of:

- how to take the complaint further.
- how long this will take; and
- the name of the officer who will deal with the complaint.

Once a decision has been made the customer must be notified as soon as possible. The customer must also be informed if there is likely to be a delay in making a decision, and when it is likely that a decision will be reached.

It is beneficial to the customer and the company to resolve complaints as quickly as possible.

3. Complaints

3.1 Definition of a complaint

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by Berneslai Homes, its own staff, or those acting in its behalf, affecting an individual resident or group of residents.

A complaint does not include requests for service or information about any policy or procedure.

3.2 When to apply the complaints procedure

The complaint procedure will be initiated in all cases where an expression of dissatisfaction has been made. There are a few exceptions:

- Where legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Where the complaint is about our failure to allow access to the appeals procedures or failure to carry out the appeal in line with our procedure.
- Where the complaint is about an issue that has not been brought to our attention within 6 months. However, it may not be appropriate to exclude any complaints that concern safeguarding or health and safety issues.
- Matters that have already been considered under the complaints policy.
- Where a claim arises relating to alleged damage of belongings or personal injury, these are investigated through the Insurance route by Barnsley Council.

If we decide not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for our complaint's procedure and the resident's right to take that decision to the Ombudsman.

3.3 Anonymous complaints

Anonymous complaints will be treated seriously and investigated. However, these cannot always be dealt with as part of the complaint procedure, as the customer cannot be offered a response. We will record anonymous complaints as formal complaints on the complaints database. Even though a resolution cannot be offered to the customer, the complaint subject may still inform service improvements or highlight other issues.

3.4 Higher-risk buildings complaints

Following the introduction of the Building Safety bill, residents in high-rise buildings will have their complaints related to a building safety risk investigated and responded to, by the accountable person. This complaint will be dealt in line with this procedure.

3.5 Stages of a complaint

Complaints can be split into 2 categories – informal and formal complaints:

3.5.1 Informal complaints

An informal complaint is a complaint of a minor or non-complex issue that can be resolved simply with one transaction, without the need to initiate formal procedures, in agreement with the customer. If further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a formal complaint.

Informal complaints will generally be face to face or telephone contact. Responses to informal complaints are generally given verbally.

Information generated from informal complaints is just as valuable as that generated from formal complaints. It is therefore essential that informal complaints are recorded on the complaints database.

3.5.2 Formal complaints

A formal complaint is an expression of dissatisfaction that cannot be resolved or responded to at the first point of contact or is a complaint of a serious/complex nature. A customer has the right to insist that the formal complaint procedure be applied.

The formal complaint procedure is designed to operate in two stages.

Stage 1 complaints

Stage 1 complaints are the initial complaint.

Stage 1 complaints are dealt with by an investigating officer of the relevant service area.

Stage 2 complaints

Stage 2 of the complaint procedure is initiated when the customer remains dissatisfied after the complaint has been reviewed at stage 1 of the procedure.

3.6 Receiving a complaint

A complaint may be made:

- by electronic methods; email us at customerservices@berneslaihomes.co.uk, or visit the website and complete an eform at www.berneslaihomes.co.uk
- by telephone on 01226 787878.
- in writing.
- in person; or
- by a third party (e.g., local councillors, MPs). (Normal day to day enquiries from councillors are dealt with through a separate procedure).

- via social media (to maintain your privacy we will ask for details to be sent in private messages).

Where the complaint is made in person, we should try and resolve the customer's concerns at that time. The outcome of the action taken should be recorded on the Northgate complaint database.

If it is not possible to resolve the complaint informally, the complaint will be recorded as a stage 1 complaint. The complaint will be registered, and a letter of acknowledgement sent to the customer advising them who is dealing with the complaint, how to contact them and when they can expect a response. An information sheet should always be included explaining the stages of the procedure. This will be done within 2 working days of receiving a complaint. We aim to respond to most stage one complaints in writing within 10 working days of date of acknowledgement, however this can take longer if the complaint is of a complex nature. If longer, we contact the customer to make an agreement and will write to them to confirm this and give them an expected response date. This should not exceed a further 10 days without good reason.

Where agreement over an extension period cannot be reached, we will provide The Housing Ombudsman's contact details so the resident can challenge our plan for responding and/or the proposed timeliness of our response.

We will always accommodate a customer's needs to make a complaint, making any necessary adjustments and taking complaints from advocates. If appropriate we will assist them in making the complaint, as we do not want to discourage anyone from making a complaint.

3.7 Investigating a complaint

The appropriate person to deal with a complaint at stage one of the procedure is the officer with responsibility for the service that is being complained about. An investigation into a complaint at the first stage will include speaking to any staff involved and examining all relevant documentation. In almost all cases, the investigating officer should interview the customer who has made the complaint. If the subject of the complaint involves this person directly, the complaint will be dealt with either by another manager or if this is not possible, at stage 2 of the procedure.

3.7.1 Responding to stage 1 complaints

When we respond to the complaint, the customer will be given a full explanation of the reason for the decision. They must also be informed of their right to go on to the next stage of the procedure if they remain dissatisfied and contact should be made with the Customer Services Team to progress the complaint. A customer has an automatic right to go on to the next stage and this should be requested within 28 days working days.

When the stage 1 complaint is closed, the investigating officer should record all details of the complaint investigation. This details what action has been taken to resolve the complaint and identify any service improvements taken or required.

It is the investigating officer's responsibility to update the customer and to share the outstanding action from the complaint (promises) with the Service Improvement team. These are recorded on our internal systems and are kept track of to ensure that they are completed.

3.7.2 Investigating stage 2 complaints

Customers who are not satisfied with the outcome of the stage 1 investigation will be given the opportunity to ask for the matter to be reviewed. They should do this within 28 working days of receiving their Stage 1 response letter.

If the customer wishes to take their complaint to stage 2, the Customer Services team will investigate on behalf of the relevant Executive Director. We would only refuse to escalate a complaint for the reasons stated in section 3.2 of this procedure.

The Customer Services team visits the complainant wherever possible, if not they must speak to the resident to discuss the complaint in full and establish the outcome/s they are seeking. They will thoroughly investigate the complaint by collecting all relevant information and examining case files and other relevant documentation. They will also interview staff and managers. The findings of this investigation are then passed to the Executive Director who will make a final decision.

The customer will be contacted within 2 working days of receipt of the stage 2 complaint. If the investigation cannot be carried out within the 20-day timescale, the customer must be regularly updated. If longer, we contact the customer to make an agreement and will write to them to confirm this and give them an expected response date. This should not exceed a further 10 days without good reason.

Where agreement over an extension period cannot be reached, we will provide The Housing Ombudsman's contact details so the resident can challenge our plan for responding and/or the proposed timeliness of our response.

Responses to stage 2 complaints are always approved and signed by the Executive Director.

3.7.3 Responses to stage 2 complaints

Whatever the outcome of the investigation the response to the customer must include a full explanation of the reason for the decision.

A complainant can request a review of their stage 2 response within 21 working days if they have new facts and/or evidence that has not been considered, which they think might change the outcome, or if they wish to challenge the facts and/or evidence that has been relied upon.

3.8 Housing Ombudsman

The Housing Ombudsman is set up by law to look at complaints from registered providers of social housing.

The role of the Housing Ombudsman is to encourage and assist landlords and tenants to resolve a dispute at the earliest opportunity. Complainants can contact them regarding enquiries and advice at any point before or during the complaint process, but this advice will not involve passing any comment on the complaint and what the decision or outcome of the complaint should be.

After a complaint has gone through both stages of our complaint's procedure, if the resident remains dissatisfied, and if they are a tenant, they can complain to the Housing Ombudsman.

The Local Government Ombudsman is still involved in lettings complaints under Part 6 of the Housing Act 1996 such as applications for rehousing – assessments, banding, suitability of accommodation. A joint approach may be considered when dealing with some other complaints depending on their nature. In the majority of complaints, the complainant will contact the Housing Ombudsman service.

If a referral to the Local Government Ombudsman is needed, we will let the complainant know.

In all cases, in response to stage 2 complaints, the customer must be advised of their right to refer the matter to the Housing Ombudsman (if this is the appropriate route to take). On occasions, it may be appropriate to advise them of legal remedies.

4. Remedies to complaints

Where a customer complaint has been agreed, Berneslai Homes will, where possible, put the customer in the position they would have been in if things had not gone wrong. This will be dependent on the individual circumstances of the case but will usually be achieved in the following ways.

- acknowledging where things have gone wrong
- providing an explanation, assistance, or reasons
- apologising
- taking action if there has been a delay
- reconsidering or changing a decision
- amending a record
- providing a financial remedy
- changing policies, procedures, or practices.

The investigating officer must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.

5. Compliance

5.1 Recording and monitoring complaints

All complaints received will be recorded on the housing complaints database (Northgate) to allow for subsequent analysis. These records will enable the production of information to measure the effectiveness of the complaint's procedure and the effectiveness of Berneslai Homes' service provision. The database is accessible by all teams or designated 'key' officers within teams.

5.2 Reporting framework

The Customer Services Team will produce quarterly and annual complaint reports, which will be on the agenda at performance meetings.

These reports will contain:

- statistical data.
- information about service improvements made as a result of complaints; and
- information highlighting trends and themes in complaints.

Key performance information will be displayed on the website. This information will also be fed into staff and customer newsletters

6. Complainant behaviour

Whilst dealing with a complaint we will treat our complainant politely and respectfully and do our best to help. We expect the same behaviour from complainants and aggressive or abusive behaviour will not be tolerated.

6.1 Dealing with persistent unreasonable complaints

We are committed to dealing with all complaints fairly and objectively. However, there are times when we will need to limit a customers' contact with us, if for instance they hinder our investigation of their complaint or their high frequency of contacts with us prevents us from investigating the complaints of others.

We have a separate policy on the use of customer warning indicators including a specific indicator where we can restrict contact. Restricted contact indicators should only ever be applied as a last resort. We do all we can to support a customer and

resolve any issues. However, it is accepted that customer, at times of distress, may act out of character.

. For more information on restricted contact warning indicators please contact the Customer Services team.

We will only limit a complainant's contact with us in exceptional circumstances after careful consideration.

The following are some of the complainants' 'trigger' actions or behaviours they might display:

- Persist in pursuing a complaint where the complaints procedure has been properly exhausted.
- Refusing to specify the issues of the complaint, being evasive when questioned and or bringing new and irrelevant information into the complaint at various stages.
- Refusing to co-operate with the complaints investigation process but still want their complaint resolving.
- Electronically recording meetings and conversations without the prior knowledge and consent of the investigator.
- .
- Making excessive telephone calls or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.

Before deciding whether the policy should be applied, we should be satisfied that:

- the complaint is being or has been investigated properly.
- any decision reached on it is the right one.
- communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect our view on the complaint.

Where we are satisfied on these points, we should consider whether further action is necessary prior to taking the decision to restrict contact.

The decision to restrict contact will be taken by the Customer Services Manager, Housing Management Team Leader, or Tenants First Service Manager.

6.2 Unacceptable behaviour

We do not expect staff to tolerate behaviour where for example, the complainant is abusive, offensive, or threatening, either on the telephone, through letters/emails or face to face. We will take appropriate action under our aggression and violence procedure to protect staff from that behaviour. We will also consider placing a warning indicator on the person in accordance with the policy and procedure on the use of warning indicators.

In extreme cases where the complainant's behaviour threatens the immediate safety and welfare of staff, we will consider involving the police. We may not give the complainant prior warning of that action.

7. Compensation

Where we recognise there have been service failures it may be appropriate to consider a compensation payment and follow a framework to calculate this.

There are some general principles that should be taken into account when deciding whether or not to award compensation.

It is always our aim to put the complainant in the position they were in before the service failure occurred. This is not possible in some instances for example because of the passage of time and therefore compensation may be the only available approach.

When deciding on the amount to be paid, we take into account all the facts of the case.

Key factors to consider are:

- **Quantifiable loss** – expenses incurred as a result of a service failure.
- **Lost opportunity** – was the complainant deprived of an opportunity through the service failing for example, they lost their right of appeal because we didn't inform them of this right.
- **Loss of a non-monetary benefit** – for example, loss of use of a room due to unacceptable delays carrying out work.
- **Distress and impact** – we would take into account the impact that service failure has had on a complainant and their household.

If compensation is awarded, where money is owed to us for rent arrears (it may be possible to offset the compensation against the debt. This is at the discretion of the Customer Services Manager.

8. Compliments

Compliments can be received through a variety of ways, which includes the following:

- Contacting us by phone 01226 787878
- Emailing us customerservices@berneslaihomes.co.uk
- Completing one of our eforms online at www.berneslaihomes.co.uk
- Comments received through our satisfaction surveys
- Social media
- Writing in
- Telling a member of staff like your Housing Management Officer

Compliments are shared with the appropriate manager so they can pass onto the member of staff that has been complimented.

8.1 Recording compliments

The Customer Services Team will ensure that all compliments are recorded and are taken into account when producing reports on the perceptions of our services by those who use them.

Any compliments about how a service is delivered, which could improve service delivery across the service, will be discussed and communicated to the relevant teams.

9. Suggestions

Berneslai Homes positively encourages suggestions from our customers. Our online form “Compliments, Comments and Complaints” allows customers to make suggestions about how we can improve our services.

9.1 Recording suggestions

The Customer Services Team will ensure that all suggestions are recorded, considered and referred to the most appropriate team.

10. Service Improvements

10.1 Service improvements

At the closure of each complaint the investigating officer is responsible for reviewing the complaint and completing a Service Improvement Review form to identify any learning. The Customer Services team will record all learning on the Service Improvement log and monitor and report on this.

The Housing Ombudsman’s, Complaint Handling Code section 7, states that lessons learnt as result of a complaint should be shared with:

- Residents
- Board and governing bodies
- Published in the Annual Report

We will ensure that customers are informed of any improvements made as a result of complaints.

11. Complaints satisfaction questionnaire

We will survey customers who have accessed our complaints procedure. We aim to survey 50% of Stage 1 complainants, all Stage 2 complainants, and a number of

informal complainants. This will enable us to collect information on how well we handle complaints throughout the escalation stages and help us identify any areas of concern.

This information will be fed into the quarterly complaint reports and areas of concern will be discussed with managers.

12. Training

Mandatory Complaints Handling training is available as eLearning and provides a basic overview of the complaint procedure and our 'Your Comments Count Service Standards'. This training forms part of the Corporate Induction for all new members of staff.

The Customer Services team delivers in-depth Complaints Handling training to investigating officers. This will ensure officers have the skills to handle, investigate and respond to complaints effectively. On completion of this training, the complaint handler will have the skills to;

- deal with complaints on their merits
- act independently and have an open mind
- take measures to address any actual or perceived conflict of interest
- consider all information and evidence carefully
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

13. Equality, Diversity, and Inclusion.

We monitor complaints to ensure we have complied with our Equality, Diversity, and Inclusion Strategy 2022-25. We ensure equal and fair access to our services based on individual needs. We will treat people fairly and with dignity and respect.

14. Regulatory Framework

14.1 Housing Ombudsman Service

The Housing Ombudsman Service (HOS) looks at complaints about registered providers of social housing, for example housing associations, and other landlords, managers, and agents. The service is free, independent, and impartial.

The purpose of the Housing Ombudsman's Complaint Handling Code is to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements.

We complete an annual self-assessment against The Housing Ombudsman's Complaint Handling Code and publish details of our compliance on our website.

14.2 Tenant Involvement and Empowerment Standard - 2017

Customer service, choice, and complaints

Registered providers shall: have an approach to complaints that is clear, simple, and accessible that ensures that complaints are resolved promptly, politely, and fairly.

15. Related documents

The following documents are to be used in conjunction with this procedure:

- [Compensation Policy](#) (not public)
- [Use of Customer Warning Indicators](#) (not public)
- [Service Improvement Framework \(not public\)](#)
- [The Housing Ombudsman Self Assessment](#)
- [Customer Excellence Strategy](#)
- [Equality, Diversity, and Inclusion Strategy 2022-25](#)